

BRYAN POLICE DEPARTMENT



303 E. 29TH ST

PO BOX 1000

979-209-5300

CITY OF BRYAN
The Good Life, Texas Style

Unauthorized Release of Information Prohibited - 13303

15-0701045

Supplement No
ORIG

DRAFT

Reported Date

07/23/2015

Type of Call

ANIMAL CALL

Member#/Dept ID#

SMITH, MIKA

Administrative Information

Agency	BRYAN POLICE DEPARTMENT	Case #	15-0701045	Supplement No	ORIG	Reported Date	07/23/2015	Reported Time	10:59	Sequence #	152040168
Status	Report to follow	Type of Call	ANIMAL CALL								
Location						City	Bryan	ZIP Code	77803	Rep Dist	102
Zone	4	Beat	4Z	From Date	07/14/2015	From Time	10:04	Member#/Dept ID#	SMI004/SMITH, MIKA		
Assignment	Animal Control	Entered by	SMI004	Assignment	Animal Control	Approving Officer					
Approval Time	Officer Approval										
Refer Case to CID	Y										
COPIES	Yes										
# Offenses	1	Offense	ANIMAL CAL		Description	ANIMAL CALL		Complaint Type			

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
MEP	1	I			B	F	
MEP	2	I			B	F	
OWN	1	I			H	M	
REP	1	I			W	F	

Summary Narrative

On 07/14/15 Officer Tollison and I, Officer Smith, responded to [REDACTED] in response to an animal cruelty call.

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Mentioned person

Involvement	Mentioned person		Invl No	1	Type	Individual	Name	[REDACTED]			MNI	[REDACTED]	
Race	Black	Sex	Female	DOB	[REDACTED]	Age	67	Ethnicity	Not of Hispanic origin		Juvenile?	No	
Height	5'07"	Weight	147#	Hair Color	Black								
Eye Color	Brown												
Type	Home					Address		[REDACTED]		City	Bryan	State	Texas
ZIP Code	77803		Date	07/23/2015									
Type	Operator License					ID No	[REDACTED]		OLS	Texas			
Type	Social Security Number					ID No	[REDACTED]						
Phone Type	Home		Phone No	[REDACTED]		Date	07/23/2015						

Mentioned person 2

Involvement	Mentioned person		Invl No	2	Type	Individual	Name	[REDACTED]			MNI	[REDACTED]	
Race	Black	Sex	Female										
Type	Home					Address		[REDACTED]		City	Bryan	State	Texas
ZIP Code	77803		Date	07/23/2015									
Phone Type	Cell		Phone No	[REDACTED]		Date	07/23/2015						

Owner 1:

Involvement	Owner		Invl No	1	Type	Individual	Name	[REDACTED]			MNI	[REDACTED]	
Race	Hispanic/Mexican/Latin			Sex	Male	DOB	[REDACTED]	Age	24	Ethnicity	Hispanic origin		
Juvenile?	No	Height	5'09"	Weight	235#								
Hair Color	Black	Eye Color	Brown										
Type	Home					Address		[REDACTED]		City	Bryan	State	Texas
ZIP Code	77803		Date	07/23/2015									
Type	Operator License					ID No	[REDACTED]		OLS	Texas			
Type	Operator License					ID No	[REDACTED]		OLS	Texas			
Phone Type	Cell		Phone No	[REDACTED]		Date	07/23/2015						

Reporting party 1

Involvement	Reporting party		Invl No	1	Type	Individual	Name	[REDACTED]			MNI	[REDACTED]	
Race	White	Sex	Female	DOB	[REDACTED]	Age	49	Ethnicity	Not of Hispanic origin		Juvenile?	No	
Height	5'04"	Weight	125#	Hair Color	Blond or Strawberry	Eye Color	Blue						
Type	Home					Address		[REDACTED]		City	Bryan	State	Texas
ZIP Code	77803		Date	07/23/2015									
Type	Operator License					ID No	[REDACTED]		OLS	Texas			
Type	Social Security Number					ID No	[REDACTED]						
Phone Type	Cell		Phone No	[REDACTED]		Date	07/23/2015						

Narrative

07/14/15:

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Narrative

Officer Tollison and I responded to a call at [REDACTED] and met with the RP [REDACTED]. She advised that there was a dog in a crate in a neighbors back yard. We went with [REDACTED] into her backyard and observed the dog through the fence. The dog was in a wire crate and was active and alert. After leaving [REDACTED]'s home, we went to the dog owner's home at [REDACTED]. There was no one home when we arrived. There was a small terrier mix tied out to a tree in the front yard and we were also able to see the dog in the crate from the right side of the yard. The dog in the crate was still active and alert and was standing up. We were able to see that it was a medium size lab mix, chocolate in color. We walked up the driveway on the right side of the yard and could not see into the crate due to stuff leaning against it but the dog was sitting up and we could see its head. The dog was inside a fenced in area under in a shady area. We did not go into the backyard due to it being fenced. We left a warning on the front door for the owners to contact ACO within 48 hours.

While on scene the neighbor from [REDACTED] came outside to speak with us. At that time she advised that she has put up the dog before when it got out and would also give it water during the day when the [REDACTED] were at work.

07/15/15:

Officer Tollison and I had not received a call from the owner so we went by to do a follow up around 10 am. When we arrived no one was home and we found the warning by the trash can and we placed it back on the front door. We could not see the dog in the crate in the backyard from either side of the yard. We walked up the driveway and we could see the crate but did not see the dog due to stuff leaning up against the crate. We whistled and made noise and still did not see the dog. We assumed the dog was not in the crate.

Officer Tollison received a call on his work cell phone around 1125 hrs from the original RP, [REDACTED] and she advised that the dog was dead in the crate in the backyard. This call came in after we had done our follow up that morning. I spoke to her on the phone. She was upset that we did not take the dog yesterday. I tried to explain that the dog was alert and active yesterday at the time of the call and we cannot remove a dog without court paperwork (seizure warrant).

I called [REDACTED] dog owner, and left her a message advising to call ASAP as we received a call her dog was deceased. About that time, I also found a phone number for [REDACTED]. I was able to speak with him and advised him that his dog was deceased. He advised that his dog was alive that morning when he left for work and that the evening before the dog had been dry heaving. He also stated that the dog was not active like she normal was when he went to work that morning. I also advised him that we had left a warning on his door on 07/14/15 asking for contact about the dog being outside in the backyard. He stated that they did not have a warning on the door when he arrived home from work. I explained that we found the warning laying in the driveway next to the trash can and we had placed it back on the door.

After speaking with [REDACTED] I updated my supervisor about the situation. She asked that I contact [REDACTED] and see if he would allow us to pick up the dog and take it to Texas A&M Veterinary Medical Diagnostic Laboratory for a necropsy. [REDACTED] was cooperative and gave us permission to remove the dog for the necropsy. When we arrived on scene, between 1200 hrs and 1230 hrs, the neighbor from [REDACTED] came outside to speak to us. I informed her that we had permission from [REDACTED] to go into the yard and remove the dog. She told us that the RP [REDACTED] had been over to the house earlier and had gone into the backyard. I asked the neighbor from [REDACTED] to call for patrol if she sees anyone go into the yard. When we got into the backyard we found the dog deceased in her crate. There was a red 5 gallon bucket that had been knocked over. We noticed that the dog had a prolapsed rectum when we removed it from the crate. After loading the dog we went to the Bryan Animal Center and met with our supervisor. She also looked at the dog and noticed the prolapsed rectum and noticed that the dog was in good body condition. We placed the dog into the refrigerator and contacted Texas A&M Veterinary Medical Diagnostic Laboratory and made arrangements for the necropsy. Officer Molina transported the dog to the lab. I called [REDACTED] after the dog left for the lab to let him know it was being sent and that we would notify him when we received the results.

07/21/15:

Dog owner: I met with [REDACTED] at his house and the small terrier mix dog is now a house dog and appears in good condition. The dog has a vet appointment but he did not know the date but said he would find out from his wife. Also, the dog had a rabies tag on as well. His name is Michelangelo. [REDACTED] was cooperative and answered all my questions. He said they did not know that their home address was posted on social media until a family friend told them about it after watching the news. And because of this they have started to receive hate mail. I advised them to keep the letters. He said that they are and they have already spoken with PD about it and have consulted with a lawyer. While speaking to him he said that his neighbor called

Report Officer

SMI004/SMITH, MIKA

Printed At

07/24/2015 15:42

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him to let him know that the dog had gotten loose on Tuesday morning. The neighbor put the dog into the backyard crate and made sure it had water. He also stated that their neighbor comes over and checks on the dogs since they have to work and has topped off the water bucket. I told him to contact me if he has any questions or concerns and to call PD if they need them. I also told him I would contact him when we got the report on the necropsy.

I later received word that the initial report had been received and called [REDACTED] to let him know. I advised him that we would not be making that information public until we spoke with a professional who would be able to decipher its information. Both the Pathologist, who preformed the necropsy, and a State Regional Veterinarian were consulted.

07/22/15:

[REDACTED] (neighbor to the left when facing the house:) I met with the neighbor and he advised that they have looked after [REDACTED]'s dog for them when they were at work and have from time to time put the dog up when she escaped and would make sure that the dog had water. He also advised that the RP, [REDACTED], had been over and asked her to leave (not sure on that date). He said that the owners have always taken care of the dogs and that they all look out for each other. The female resident of this address, whom we spoke with on 07/14/15, was not home at this time. While I was there [REDACTED] came outside with Michelangelo and she informed me that he is a Husky/Rat Terrier mix, according to the person they got him from. This is the first time I was able to speak with her. She advised that he has a vet appointment on Friday this week. She also told me about the hate mail. I told her the same thing I told her husband. I also advised her to call PD if they needed anything.

[REDACTED] (neighbor to the right when facing the house:) I met with the neighbor and she advised me that [REDACTED] have always helped her out and have cared for her dog when she was out of town or in the hospital. She also stated the RP, [REDACTED], had come over one day to complain about the dog barking. She asked her to leave her property at that time and stated that she has not had an issue with the dog barking. She said that the [REDACTED] are good neighbors and good dog owners and have never seen them mistreat their dogs.

Both neighbors at [REDACTED] and [REDACTED] said that they would be willing to testify on the [REDACTED]'s behalf if need be. I thanked both for their time and help. I spoke to both neighbors individually.

As I stated earlier in the report on 07/15/15 when Officer Tollison and I arrived at [REDACTED] we found the warning that we had left the previous day in the driveway next to the trash can. At that time we picked up the warning and placed it back on the door and we were not sure how it had gotten there. When I spoke to Mr. [REDACTED] on 07/15/15 he stated that they did not have a warning on their door when they got home from work that evening. It was later when I spoke to the neighbor at [REDACTED] on 07/22/15, that I was told the RP, [REDACTED], had gone back to the house after we left on 07/14/15 and walked up to the door. The neighbor stated that she was reading the warning that we left on the door for the dog owners.

On 07/23/15 Officer Cox and I met with Assistant County Attorney Brenda Bailey. I presented her with the facts from the case, including the necropsy report. After reviewing the facts of the case she advised that there is insufficient evidence to pursue animal cruelty charges at this time. I have attached a copy of the necropsy to the report.

Detailed History for Police Event #151120216 As of 7/16/2015 11:33:28

Output for: SMI004

Priority:7 Type:11CRUL - ANIMAL CRUELTY

Location: [REDACTED] BR btwn URSULINE AV and REYNOLDS

Created:	04/22/2015 12:50:06	DP04	DAV003
Entered:	04/22/2015 12:51:01	DP04	DAV003
Dispatch:	04/22/2015 13:20:59	DP09	DEN001
Enroute:	04/22/2015 13:43:07	MAC04	YOU002
Onscene:	04/22/2015 13:43:07	MAC04	YOU002
Closed:	04/22/2015 13:58:53	MAC04	YOU002

ICUnit: PrimeUnit:562S Dispo:COMP Type:11CRUL - ANIMAL CRUELTY

Agency:BPD Group:PD2(PD1) Beat:4Z Box:102 ☐ Detail

12:50:06cdt CREATE Location:[REDACTED] BR Type:11CRUL Group:PD1 Box:102 TypeDesc:ANIMAL CRUELTY LocDesc:btwn URSULINE AV and REYNOLDS Priority:7 Response:ACO Agency:BPD LocType:S

12:51:01 ENTRY Group:PD1-->PD2 Comment:RP THINKS A DOG IS BEING ABUSED SMALL CAGE AND DOG IS TOO BIG FOR THE CAGE... RP HAS NEVER SEEN THE DOG OUT OF THE CAGE RP DOESN'T SEE FOOD OR WATER AROUND THE CAGE.

12:51:01 -NPREMS Comment:(none)

12:51:24 CLARFY Name:None-->[REDACTED] RPAddr:None-->[REDACTED] Phone:None-->[REDACTED] RP Cont:None-->Phone

12:51:46 NOMORE

13:20:58 SELECT

13:20:58 -SGGEST Unit:562S

13:20:59 DISP 562S Operator:YOU002 OperNames:YOUNGBLOOD,CAROLINE

13:20:59 -PRIU 562S

13:43:07 *ONSCN 562S

13:56:49 *MISC 562S Comment:crate is big enough for the dog but had feces in it, dog owner [REDACTED] Ph. [REDACTED] got the dog from a friend not too long ago and leaves him outside in the crate on the covered porch while they are at work, says otherwise he is inside the house, asked why he can't be in backyard, she adv. they have holes and working on replacing the fence, will see if she can tie him up in the backyard instead of keeping him in the crate, uses Banfield Vet for her dogs (3 in total) otherwise dog looked fine

13:58:43 *MISC 562S Comment:called RP

13:58:53 *CLEAR 562S Dispo:COMP

13:58:53 -CLEAR

13:58:53 *CLOSE

CONTACT INFO:

Name	Phone	RPAddr	RP_Cont	Susp_O/S	Weapon?	Ty_Weap
[REDACTED]	[REDACTED]	[REDACTED]	Phone			

Detailed History for Police Event #151330063 As of 7/16/2015 11:33:35

Output for: SMI004

Priority:8 Type:11BARK - BARKING DOG

Location: [REDACTED] BR btwn URSULINE AV and REYNOLDS

Created:	05/13/2015 07:25:03	DP03	KOV001
Entered:	05/13/2015 07:25:56	DP03	KOV001
Dispatch:	05/13/2015 08:14:44	DP09	FAL001
Enroute:	05/13/2015 08:14:57	MAC04	YOU002
Onscene:	05/13/2015 08:23:43	MAC04	YOU002
Closed:	05/13/2015 08:36:37	MAC04	YOU002

ICUnit: PrimeUnit:562S Dispo:COMP Type:11BARK - BARKING DOG

Agency:BPD Group:PD2(PD1) Beat:4Z Box:102 ☐ Detail

07:25:03cdt CREATE Location: [REDACTED] BR Type:11BARK RPAddr: [REDACTED] Group:PD1
Box:102 TypeDesc:BARKING DOG LocDesc:btwn URSULINE AV and REYNOLDS
Priority:8 Response:ACO Agency:BPD LocType:S

07:25:56 ENTRY Group:PD1-->PD2 Response:ACO-->PDACO Comment:2 DOGS IN BACK YARD
ONE IS TIED TO POST IN FRONT YARD
THE BARK ALL NIGHT

07:25:56 -PREMIS Comment:PPR

07:27:27 CLARFY Name:None--> [REDACTED] Phone:None--> [REDACTED] Cont:None-->Phone
Comment:RP HAS CALLED SEVERAL TIMES ABOUT THEM

07:27:39 CLARFY Comment:CALL RP BY PHONE AS WELL

07:27:41 NOMORE

08:14:39 SELECT

08:14:39 -SGGEST Unit:562S

08:14:44 DISP 562S Operator:YOU002 OperNames:YOUNGBLOOD,CAROLINE

08:14:44 -PRIU 562S

08:14:57 *ENRTE 562S

08:15:34 *PRIOR Location: [REDACTED] ST, BR

08:23:43 *ONSCN 562S

08:28:28 *MISC 562S Comment:barking heard since my arrival

08:28:59 *MISC 562S Comment:correction - no barking heard since my arrival

08:35:14 *MISC 562S Comment:no barking at all, left FYI adv. of barking complaint

08:36:37 *CLEAR 562S Dispo:COMP

08:36:37 -CLEAR

08:36:37 *CLOSE

CONTACT INFO:

Name	Phone	RPAddr	RP_Cont	Susp_O/S	Weapon?	Ty_Weap
[REDACTED]	[REDACTED]	[REDACTED]				
[REDACTED]	[REDACTED]		Phone			

Detailed History for Police Event #151720145 As of 7/16/2015 11:34:23

Output for: SMI004

Priority:6 Type:11SICK - SICK/INJ ANIMAL

Location: [REDACTED] BR btwn ACADEMY ST and COLE ST

Created:	06/21/2015 15:54:38	DP03	FAL001
Entered:	06/21/2015 15:54:45	DP03	FAL001
Dispatch:	06/22/2015 06:25:16	MAC03	MOL001
Enroute:	06/22/2015 06:26:45	MAC03	MOL001
Onscene:	06/22/2015 06:29:04	MAC03	MOL001
Closed:	06/22/2015 06:33:20	MAC03	MOL001

ICUnit: PrimeUnit:563S Dispo:UTL Type:11SICK - SICK/INJ ANIMAL

Agency:BPD Group:PD2(PD1) Beat: Box:106 ☐ Detail

15:54:38edt CREATE Location:[REDACTED] BR Type:11 Group:PD1 Box:106 TypeDesc:ANIMAL AT LARGE LocDesc:btwn ACADEMY ST and COLE ST Priority:8 Response:ACO Agency:BPD LocType:S

15:54:45 ENTRY Group:PD1-->PD2

15:54:45 -PREMIS Comment:OCC

15:55:37 CLARFY Type:11-->11SICK Priority:8-->6 TypeDesc:ANIMAL AT LARGE-->SICK/INJ ANIMAL Comment:CAT IS STUCK IN A CONCRETE STORM DRAIN, BEEN MEOWING ALL NIGHT AND DAY

15:55:57 CLARFY Name:None-->[REDACTED] Phone:None-->[REDACTED]

15:56:42 CLARFY Comment:RP GOING TO PUT SOME FOOD THERE TO SEE IF IT COMES TO THAT. ABOUT 2 FEET DOWN.

15:57:35 CLARFY Comment:ACO PAGED

15:57:40 CLARFY RPaddr:None-[REDACTED]

15:57:41 NOMORE

16:16:03 SELECT

16:16:03 -SGGEST UnmetReq:ACO

16:16:17 HOLD

16:20:24 -SGGEST UnmetReq:ACO

16:33:28 MISC Comment:STORM DRAIN IS AT THE CORNER OF ACADEMY AND URSULINE AT THE STOP SIGN ON ACADEMY

16:34:12 MISC Comment:RP ADV THERE WERE ALREADY TWO PEOPLE THAT MOVED THE DRAIN COVERS AND WENT INTO THE DRAIN TO RETRIEVE THE CAT AND IT KEEPS RUNNING FROM THEM.

16:34:26 MISC Comment:THE CAT IS UNINJURED, JUST CAUGHT DOWN THERE.

16:34:38 MISC Comment:RP WAS ADV THIS WILL BE PUT ON HOLD FOR ACO TOMORROW

16:34:42 -SGGEST UnmetReq:ACO

16:34:47 HOLD Time:062215 0600

[06/22/2015]

06:09:22 -SGGEST UnmetReq:ACO

06:09:33 STACK 563S

06:25:16 *DISP 563S Operator:MOL001 OperNames:MOLINA,BENJAMIN

06:26:45 *ENRTE 563S

06:29:04 *ONSCN 563S

06:33:08 *MISC 563S Comment:There is no stop sign at the corner of Ursuline and Academy, but I did check the 3 drains and did not see or hear any cat. UTL.

06:33:20 *CLEAR 563S Dispo:UTL

06:33:20 -CLEAR

06:33:20 *CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RP_Cont	Susp_O/S	Weapon?	Ty_Weap
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Detailed History for Police Event #151930145 As of 7/16/2015 11:34:30

Output for: SMI004

Priority:3 Type:11BARK - 11BARK/REQ

Location: [REDACTED] BR btwn ACADEMY ST and COLE ST

Created:	07/12/2015 14:02:01	DP07	BUS002
Entered:	07/12/2015 14:03:46	DP07	BUS002
Dispatch:	07/12/2015 14:22:43	DP10	ARR002
Enroute:	07/12/2015 14:23:23	DP10	ARR002
Onscene:	07/12/2015 14:32:20	MP05	BRO004
Closed:	07/12/2015 14:39:29	MP05	BRO004

ICUnit: PrimeUnit:14Z Dispo:COMP Type:11BARK - 11BARK/REQ

Agency:BPD Group:PD1 Beat:4Z Box:106 ☐ Detail

14:02:01cdt CREATE Location:[REDACTED] BR Type:11BARK Name:[REDACTED] RPaddr:[REDACTED]
 Phone:[REDACTED] Group:PD1 Box:106 TypeDesc:BARKING DOG
 LocDesc:btwn ACADEMY ST and COLE ST Priority:8 Response:ACO Agency:BPD
 LocType:SRP Cont:Yes

14:03:46 ENTRY Priority:8-->3 Response:ACO-->PDACO Comment:DOG IN A CAGE NO WATER IN IT
 OWNER IS NOT CARING FOR THE ANIMAL
 DOG IS BARKING
 RP WANTS CONTACT FROM A PD OFFICER

14:03:46 -PREMIS Comment:PPR, OCC

14:03:58 CHANGE TypeDesc:BARKING DOG-->11BARK/REQ

14:04:02 NOMORE

14:04:29 MISC Comment:RP ADV SHE HAS CALLED ACO BEFORE ABOUT THIS SITUATION AND
 NOTHING HAS BEEN DONE WITH THE ANIMAL

14:09:45 PRIOR Location:[REDACTED] BR PremType:PPR

14:20:55 SELECT

14:20:55 -SGGEST UnmetReq:PD11

14:21:58 HOLD

14:22:03 -SGGEST Unit:14Z

14:22:19 PRMISE Location:[REDACTED] BR PremType:OCC

14:22:28 -SGGEST Unit:14Z

14:22:43 DISP 14Z Operator:BRO004 DOR001 OperNames:BROECKELMANN,DANIEL; DORAN,
 ANDREW

14:22:43 -PRIU 14Z

14:23:23 ENRTE 14Z

14:32:20 *ONSCN 14Z

14:39:11 *MISC 14Z Comment:tried to contact the RP, but no one answered. UTL on any dogs barking close
 by. There were several in the neighborhood, but nothing that wasn't normal.

14:39:29 *CLEAR 14Z Dispo:COMP

14:39:29 -CLEAR

14:39:29 *CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RP Cont	Susp_O/S	Weapon?	Ty_Weap
[REDACTED]	[REDACTED]	[REDACTED]	Yes			

Detailed History for Police Event #151950162 As of 7/16/2015 11:34:37

Output for: SMI004

Priority:7 Type:11CRUL - ANIMAL CRUELTY

Location: [REDACTED] BR btwn ACADEMY ST and COLE ST

Created:	07/14/2015 10:04:53	DP07	BER004
Entered:	07/14/2015 10:05:38	DP07	BER004
Dispatch:	07/14/2015 10:22:01	DP09	JOY001
Enroute:	07/14/2015 10:38:27	MAC04	TOL002
Onscene:	07/14/2015 10:38:27	MAC04	TOL002
Closed:	07/14/2015 11:08:38	MAC04	TOL002

ICUnit: PrimeUnit:562S Dispo:COMP Type:11CRUL - ANIMAL CRUELTY

Agency:BPD Group:PD2(PD1) Beat:4Z Box:106 ☐ Detail

10:04:53edt CREATE Location:[REDACTED], BR Type:11CRUL Group:PD1 Box:106 TypeDesc:ANIMAL CRUELTY LocDesc:btwn ACADEMY ST and COLE ST Priority:7 Response:ACO Agency:BPD LocType:S

10:05:38 ENTRY Group:PD1-->PD2 Comment:NEIGHBORS DOG HAS BEEN LOCKED IN A CAGE ALL WEEKEND WITH NO FOOD OR WATER

10:05:38 -PREMIS Comment:PPR, OCC

10:06:07 CLARFY Comment:RP IS CONCERNED THERE IS NO WAY FOR THE DOG TO GO TO THE BATHROOM, AND CANT EAT

10:06:26 CLARFY Comment:SAYS ANIMAL CONTROL HAS BEEN OUT BEFORE AND HASNT BEEN ABLE TO DO MUCH

10:06:36 CLARFY Comment:THE DOG IS A REDISH COLOR

10:06:41 CLARFY Comment:POSS SMALL LAB

10:07:26 CLARFY Comment:THE RP HAS A VIDEO OF THE DOG AND WOULD LIKE TO SHOW ACO ABOUT THE ANIMAL AND HOW THE ANIMAL IS BEING TREATED DAILY

10:07:44 CLARFY Comment:THE DOG ONLY BARKS AND RP THINKS HE MIGHT BE SUFFERING

10:08:11 CLARFY Name:None-->[REDACTED] Phone:None-->[REDACTED] Cont:None-->Yes

10:08:12 NOMORE

10:08:30 CLARFY RPaddr:None-->[REDACTED]

10:22:00 SELECT

10:22:00 -SGGEST Unit:562S

10:22:01 DISP 562S Operator:TOL002 SMI004 OperNames:TOLLISON,PAUL EDWARD; SMITH,MIKA

10:22:01 -PRIU 562S

10:38:27 *ONSCN 562S

10:50:38 CLOS 562S Location:[REDACTED]

11:08:28 *MISC 562S Comment:meet rp, dog in backyard of neighbors house, no water or shelter kept in cage, black and tan m dog on side of house unsure if it belongs to house in question also has no water, left warning with notice for contact within 48 hrs

11:08:38 *CLEAR 562S Dispo:COMP

11:08:38 -CLEAR

11:08:38 *CLOSE

14:06:27 XREF Service:P Event:#151950260 Type:11CRUL Agency:BPD

14:06:41 -PREMIS Comment:PPR, OCC

CONTACT INFO:

Name	Phone	RPaddr	RP_Cont	Susp_O/S	Weapon?	Ty_Weap
[REDACTED]	[REDACTED]		Yes			

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Detailed History for Police Event #151960135 As of 7/16/2015 11:33:41

Output for: SMI004

Priority:8 Type:11FU - ANIM FOLLOW UP

Location: [REDACTED] btwn URSULINE AV and REYNOLDS

Created:	07/15/2015 09:48:18	MAC04	TOL002
Entered:	07/15/2015 09:48:18	MAC04	TOL002
Dispatch:	07/15/2015 09:48:18	MAC04	TOL002
Enroute:	07/15/2015 09:48:18	MAC04	TOL002
Onscene:	07/15/2015 09:48:18	MAC04	TOL002
Closed:	07/15/2015 10:08:12	MAC04	TOL002

ICUnit: PrimeUnit:562S Dispo:COMP Type:11FU - ANIM FOLLOW UP

Agency:BPD Group:PD2(PD1) Beat:4Z Box:102 ☐ Detail

09:48:18edt *CREATE Location: [REDACTED] BR Type:11FU Group:PD1 Box:102 TypeDesc:ANIM FOLLOW UP LocDesc:btwn URSULINE AV and REYNOLDS Priority:8 Response:ACO Agency:BPD Beat/Sta:4Z LocType:S

09:48:18 *ENTRY Group:PD1-->PD2

09:48:18 *DISPOS 562S Location: [REDACTED] BR Operator:TOL002 SMI004 OperNames:TOLLISON,PAUL EDWARD; SMITH,MIKA

09:48:18 -PRIU 562S

09:48:18 -NPREMS Comment:(none)

10:07:53 *MISC 562S Comment:dog no longer in cage, unkwn where he is might be stealth dog, small dog still tied to tree on side of house

10:08:12 *CLEAR 562S Dispo:COMP

10:08:12 -CLEAR

10:08:12 *CLOSE

17:01:04 XREF Service:P Event:#151960293 Type:DOC Agency:BPD

17:01:07 -NPREMS Comment:(none)



Texas A&M Veterinary Medical Diagnostic Laboratory
1 Sippel Road
College Station TX 77843-4471
Phone: (979) 845-3414 Fax: (979) 845-1794

Report Date: 7/21/2015

Final Report

Date Received: 7/15/2015
Collection Date: 7/15/2015

Case Coordinator: [REDACTED]

Accession No: C151960486

ATTENTION: POLICE DEPARTMENT
CITY OF BRYAN
P. O. BOX 1000
BRYAN TX 77805

Phone: (979) 209-5348
Fax:
Email: richards@bryantx.gov

Associated Parties

Vet Practice: City of Bryan (Account #: [REDACTED])
Attn: Attention: Police Department, P. O. Box 1000 Bryan, TX 77805 (979) 209-5348

Customer Requests

Specimens Submitted:
1 body.

Customer Test Request

Gross necropsy and histopathology. Looking for cause of death.

Animal Information

Domestic Dog - Mixed Breed; Female

History

According to owner dog was alive today. No history on dog.

Lab Findings

Histopathology

Specimen

Mammal - CANIDAE - Domestic Dog - Mixed Breed - Female

Fixed tissues - 2

Test Name

No Test(NT)

During necropsy, portions of all major organs were harvested into formalin. These "wet" tissues will be retained (available for histologic evaluation if so requested) for approximately 3 weeks. JH/mr

Necropsy

Specimen

Test Name

Mammal - CANIDAE - Domestic Dog - Mixed Breed - Female

Dead animal - 1

Necropsy (Necropsy - K9/FELINE > 6 WEEK)

External Exam:

Submitted for necropsy is an adult, intact female, brown and white colored dog. The body exhibits severe postmortem autolysis.

Necropsy

Specimen

Test Name

Respiratory System:

No significant lesions observed (NSLO).

Circulatory System:

NSLO

Digestive System:

The stomach contains fragments of thick plastic bagging material.

Urogenital System:

NSLO

Lymphatic System:

NSLO

Endocrine System:

NSLO

Musculoskeletal System:

NSLO

Ear/Eye, Special Senses:

The right eye has moderate accumulations of exudate covering the corneal surface.

Nervous System:

The brain is liquid in consistency.

Necropsy Diagnosis:

Gross lesions are insufficient to determine the cause of death. Advanced postmortem autolysis makes histologic evaluation of the tissues non-diagnostic.

[REDACTED]

Client Report History

Report Type

Final

Delivery Method

Email

Date Sent

7/16/2015 9:01:10 AM

SUBCHAPTER B. DISPOSITION OF CRUELLY TREATED ANIMALS

Sec. 821.021. DEFINITIONS. In this subchapter:

(1) "Cruelly treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

(2) "Nonprofit animal welfare organization" means a nonprofit organization that has as its purpose:

(A) the prevention of cruelty to animals; or

(B) the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.

(3) "Owner" includes a person who owns or has custody or control of an animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 1, eff. September 1, 2011.

Sec. 821.0211. ADDITIONAL DEFINITION. In this subchapter, "magistrate" means any officer as defined in Article 2.09, Code of Criminal Procedure, except that the term does not include justices of the supreme court, judges of the court of criminal appeals, or courts of appeals, judges or associate judges of statutory probate courts, or judges or associate judges of district courts that give preference to family law matters or family district courts under Subchapter D, Chapter 24, Government Code.

Acts 2003, 78th Leg., ch. 1043, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 334 (H.B. 890), Sec. 10, eff. September 1, 2009.

Sec. 821.022. SEIZURE OF CRUELLY TREATED ANIMAL. (a) If a peace officer or an officer who has responsibility for animal control in a county or municipality has reason to believe that an animal has been or is being cruelly treated, the officer may apply to a justice

court or magistrate in the county or to a municipal court in the municipality in which the animal is located for a warrant to seize the animal.

(b) On a showing of probable cause to believe that the animal has been or is being cruelly treated, the court or magistrate shall issue the warrant and set a time within 10 calendar days of the date of issuance for a hearing in the appropriate justice court or municipal court to determine whether the animal has been cruelly treated.

(c) The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 387, Sec. 1, eff. June 7, 1991; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Sec. 821.023. HEARING; ORDER OF DISPOSITION OR RETURN OF ANIMAL. (a) A finding in a court of competent jurisdiction that the owner of an animal is guilty of an offense under Section 42.09 or 42.092, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Section 821.022 that the animal has been cruelly treated.

(b) A statement of an owner made at a hearing provided for under this subchapter is not admissible in a trial of the owner for an offense under Section 42.09 or 42.092, Penal Code.

(c) Each interested party is entitled to an opportunity to present evidence at the hearing.

(d) If the court finds that the animal's owner has cruelly treated the animal, the owner shall be divested of ownership of the animal, and the court shall:

- (1) order a public sale of the animal by auction;
- (2) order the animal given to a municipal or county animal shelter or a nonprofit animal welfare organization; or
- (3) order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.

(e) After a court finds that an animal's owner has cruelly

treated the animal, the court shall order the owner to pay all court costs, including:

(1) the administrative costs of:

(A) investigation;

(B) expert witnesses; and

(C) conducting any public sale ordered by the court;

and

(2) the costs incurred by a municipal or county animal shelter or a nonprofit animal welfare organization in:

(A) housing and caring for the animal during its impoundment; and

(B) humanely destroying the animal if destruction is ordered by the court.

(e-1) After a court finds that an animal's owner has cruelly treated the animal, the court shall determine the estimated costs likely to be incurred by a municipal or county animal shelter or a nonprofit animal welfare organization to house and care for the impounded animal during the appeal process.

(e-2) After making the determination under Subsection (e-1), the court at the time of entering the judgment shall set the amount of bond for an appeal equal to the sum of:

(1) the amount of the court costs ordered under Subsection (e); and

(2) the amount of the estimated costs determined under Subsection (e-1).

(e-3) A court may not require a person to provide a bond in an amount greater than or in addition to the amount determined by the court under Subsection (e-2) to perfect an appeal under Section 821.025.

(e-4) Notwithstanding any other law, the amount of court costs that a court may order under Subsection (e) and the amount of bond that a court determines under Subsection (e-2) are excluded in determining the court's jurisdiction under Subtitle A, Title 2, Government Code.

(f) The court may order that an animal disposed of under Subsection (d) (1) or (d) (2) be spayed or neutered at the cost of the receiving party.

(g) The court shall order the animal returned to the owner if

the court does not find that the animal's owner has cruelly treated the animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 157, Sec. 1, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 14.43, 14.44, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 886 (H.B. 2328), Sec. 4, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 2, eff. September 1, 2011.

Sec. 821.024. SALE OR DISPOSITION OF CRUELLY TREATED ANIMAL.

(a) Notice of an auction ordered under this subchapter must be posted on a public bulletin board where other public notices are posted for the county or municipality. At the auction, a bid by the former owner of a cruelly treated animal or the owner's representative may not be accepted.

(b) Proceeds from the sale of the animal shall be applied first to any costs owed by the former owner under Section 821.023(e). The officer conducting the auction shall pay any excess proceeds to the justice or municipal court ordering the auction. The court shall return the excess proceeds to the former owner of the animal.

(c) If the officer is unable to sell the animal at auction, the officer may cause the animal to be humanely destroyed or may give the animal to a municipal or county animal shelter or a nonprofit animal welfare organization.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 387, Sec. 2, eff. June 7, 1991; Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 3, eff. September 1, 2011.

Sec. 821.025. APPEAL. (a) An owner divested of ownership of an animal under Section 821.023 may appeal the order to a county court or

county court at law in the county in which the justice or municipal court is located.

(b) As a condition of perfecting an appeal, not later than the 10th calendar day after the date the order is issued, the owner must file a notice of appeal and a cash bond or surety bond in an amount set by the court under Section 821.023(e-2).

(c) Not later than the fifth calendar day after the date the notice of appeal and bond is filed, the court from which the appeal is taken shall deliver a copy of the clerk's record to the clerk of the county court or county court at law to which the appeal is made.

(d) Not later than the 10th calendar day after the date the county court or county court at law, as appropriate, receives a copy of the clerk's record, the court shall consider the matter de novo and dispose of the appeal. A party to the appeal is entitled to a jury trial on request.

(e) The decision of the county court or county court at law under this section is final and may not be further appealed.

(f) Notwithstanding Section 30.00014, Government Code, or any other law, a person filing an appeal from a municipal court under Subsection (a) is not required to file a motion for a new trial to perfect an appeal.

(g) Notwithstanding any other law, a county court or a county court at law has jurisdiction to hear an appeal filed under this section.

(h) While an appeal under this section is pending, the animal may not be:

(1) sold or given away as provided by Sections 821.023 and 821.024; or

(2) destroyed, except under circumstances which would require the humane destruction of the animal to prevent undue pain to or suffering of the animal.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 1043, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1351 (S.B. 408), Sec. 11(a), eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 4, eff.

September 1, 2011.

Sec. 821.026. CONFLICT OF LAWS. In the event of a conflict between this subchapter and another provision of any other law relating to an appeal of a disposition regarding a cruelly treated animal, including the bond required for that appeal, this subchapter controls.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1278 (H.B. 963), Sec. 5, eff. September 1, 2011.